Saskatchewan Human Rights Commission
1987 Annual Report

The Saskatchewan Human Rights Code states:

3. The objects of this Act are:

   (a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

   (b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

This report is available on cassette for those with visual impairments.

SASKATCHEWAN

HUMAN RIGHTS COMMISSION

Room 802
Canterbury Towers
224-4th Avenue South
Saskatoon, Saskatchewan
S7K 2H6

Telephone: 933-5952
Telewriter:
306-373-2119

Chief Commissioner
Ronald Kruzeniski

Commission Members
Helen Hnatyshyn
Kayla Hock
Jan Kernaghan

Executive Director
Kenneth C. Jamont

March 31, 1988

The Honourable Bob Andrew
Room 355
Legislative Building
Regina, Saskatchewan
S4S 0B3

Dear Mr. Andrew:

It is with pleasure that I submit the 1987 annual report of the Saskatchewan Human Rights Commission to you, pursuant to Section 49 of The Saskatchewan Human Rights Code.

Yours truly,

Ronald J. Kruzeniski
Chief Commissioner

RJK:klr

Saskatchewan Human Rights Commission Members

Ronald J. Kruzeniski
Chief Commissioner

Helen Hnatyshyn*

Kayla Hock*

Jan Kernaghan

Saskatchewan Human Rights Commission Offices

Kenneth C. Jamont, Director

Head Office:
8th Floor, Canterbury Towers
224 - 4th Avenue South
Saskatoon, Saskatchewan
S7K 2H6

Telephone: 933-5952
For hearing impaired
persons: 373-2119

Regional Office:
Room 100
1819 Cornwall Street
Regina, Saskatchewan
S4P 3V7

Telephone: 787-2530
For hearing impaired
persons: 787-2530

* The terms of Helen Hnatyshyn and Kayla Hock expired in 1988. Phyllis Unru has been appointed for a five-year term.

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1987 In Review

1987 saw the development of the Commission's Education Equity program in the schools, growth in affirmative action programs in the workplace, and a continuing re-organization in the investigations division.

In the development of Education Equity, the Commission is particularly pleased with the co-operation shown by those Saskatchewan school boards whose schools have a high proportion of students of Indian ancestry. Approximately 20 school boards have been working with the Commission to develop programs that will make their schools more sensitive to the needs of Indian and Metis students.

A 1985 study done by the Commission noted that there is an excessively high dropout rate for students of Indian ancestry. The ultimate goal of Education Equity is to improve educational opportunities for these young people. Features of the plan include the hiring of more teachers of Indian ancestry, cross-cultural training for teachers, and increased involvement of Indian and Metis parents in school activities.

Nine plans have already been approved by the Commission, with three more scheduled for consideration early in 1988. An additional 10 school boards have indicated they are currently in the process of developing plans.

The Commission is heartened by the response from Saskatchewan school boards, and is secure in the belief that participating schools will, in the future, better accommodate the needs of students of Indian ancestry.

Affirmative action programs in the workplace are also growing. In 1987, three new major programs received Commission approval — the City of Saskatoon, the City of Regina, and the Government of Saskatchewan.

The Commission is pleased that the province's three major public sector employers have chosen to support affirmative action. We believe they will show the way for other employers, in both the public and private sector.

In all, a total of 17 employers representing close to 15,000 employees are participating in affirmative action programs in the province. In addition, affirmative action programs are in place in seven training institutions and one housing corporation.

It is anticipated that with the leadership shown by the province's three largest government employers, affirmative action in Saskatchewan will continue to expand.

One of the major concerns in 1987 was the effect substantial budget cuts would have on the work of the Commission. One of the ways the Commission tried to lessen the impact of the budget on its own staff was, in accord with employees, to reduce office hours by 10 percent with a corresponding 10 percent reduction in wages. Had it not been for this action, layoff of staff members would have been inevitable.

An ever-increasing workload means it is of continuing importance to use the resources available to the Commission effectively and efficiently. Organizational changes implemented in 1986 — one of which was the creation of intake officer positions — have proved in 1987 to be a success and will be retained.

In addition, internal changes have been made which allow for faster handling of complaints from the beginning to the end of the process. More timelines have been put into place and investigations are completed within the framework of those timelines, unless the circumstances of the complaint are unique.

The bulk of the older complaints were dealt with in 1987, and at year end only 41 complaints that originated prior to 1987 were carried over into 1988.

The Commission believes it has made significant progress in this area.

Other changes in 1987 were the appointment of a new executive director, Kenneth C. Jamont and the return of Donalda Ford as assistant director.

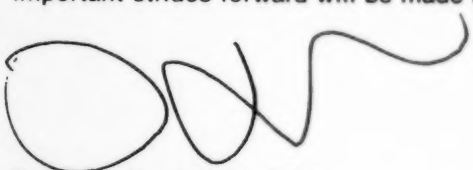
Jamont has extensive experience in supervision, management, and investigations, and in addition, has a good understanding of cross-cultural issues of concern to people of Indian ancestry. He was the first co-ordinator of a special constables program designed to improve relations between RCMP and Indian and Metis people. The program also was successful in recruiting, training and employing people of Indian ancestry.

Donalda Ford, a long-time former employee of the division and director for a two-year period, returned to the Commission's Regina office in March as assistant director. Ford was first

employed by the Commission in 1973 and continued there until 1979 when she went to the Women's Division, Department of Labour, and from there to the Crown Management Board as Manager of Human Resources.

The Commission looks forward in 1988 to building on the successes and achievements of 1987. In particular, the Commission has set itself the goal of continuing to reduce the amount of time taken to investigate complaints and to process education equity and affirmative action plans.

If the Commission is able to achieve its goals, important strides forward will be made in 1988.



Ronald J. Kruzeniski, Q.C.
Chief Commissioner

Commission Members

The Saskatchewan Human Rights Commission had four Commission members in 1987 — Ronald Kruzeniski (Chief Commissioner), Helen Hnatyshyn, Kayla Hock, and Jan Kernaghan.

Commission members are appointed by the Lieutenant Governor in Council for a five-year term, which may be extended for a further five years. Working part-time, the Commissioners attend monthly meetings where they set policy, approve settlements, review complaints, decide whether complaints should go to a board of inquiry, and consider applications for affirmative action programs and exemptions.

In addition, the Commissioners further public education by providing information about *The Saskatchewan Human Rights Code* and the principles upon which it is based.

The Commission employs a professional staff located in offices in Saskatoon and Regina to carry on the daily work of the Commission and to fulfill the mandate of the *Code*.

Commission members in 1987 were:

Ronald Kruzeniski (Chief Commissioner)
Ronald Kruzeniski is a Regina lawyer with the firm of Alexander, Kruzeniski, Goudie and MacLaren. He is national vice-president of the Canadian National Institute for the Blind and vice-president and honorary solicitor for the Canadian Cancer Society, Saskatchewan Division. In the past he has been president of the Ranch Ehrlo Society and the Catholic Family Service Society. In 1983, he was appointed Queen's Counsel.

Helen Hnatyshyn
Helen Hnatyshyn's home is Saskatoon, where she has been deeply involved in community activities for many years. She has been president of the Council of Women at the local, provincial and national levels and an international vice-president. Also active in the Ukrainian Women's Association, she has been president at local and provincial levels, and vice-president of the international body.

She has been a member of the Canadian Advisory Council on the Status of Women and a member of the Executive Committee of the Canadian Commission for UNESCO. She has also been on the board of several organizations, among them the YWCA, Family Welfare, the Victorian Order of Nurses, and Canadian Services for Overseas Students and Trainees.

Jan Kernaghan
Jan Kernaghan practices law in Prince Albert with the firm of Sanderson & Wilkinson. She has been president of the Prince Albert Business and Professional Women's Club and secretary-treasurer of the Prince Albert Sexual Assault Centre Inc. She is also a member of the Public Legal Education Association (PLEA), Women and the Law, and the National Action Committee on the Status of Women.

Kayla Hock
Kayla Hock has been active in her community of Biggar for several years. She has held several offices in the Kayette Club, and has been president of the local Girl Guides Association. She has also been active in home and school associations, has been on the Council for Job's Daughters and is a member of the Haddasah-Wizo of Canada.

The Mandate of the Commission

The Saskatchewan Human Rights Commission is a law enforcement agency responsible for the administration of *The Saskatchewan Human Rights Code.*

The purpose of the *Code* is to:

(a) promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

(b) further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

These objects are derived from the Universal Declaration of Human Rights adopted by the general assembly of the United Nations in 1948.

One of the ways these goals are pursued is through the protection of certain human rights by law. Under *The Saskatchewan Human Rights Code,* protected rights fall into two categories — fundamental freedoms and equality rights.

Fundamental Freedoms:

- freedom of conscience
- freedom of religion
- freedom of expression
- freedom of association
- the right to vote in provincial elections

Equality Rights:

There must be no discrimination in housing, employment, public services, education, contracts and publications on the basis of:

- race or color
- creed or religion
- nationality, ancestry or place of origin
- sex (including sexual harassment)
- marital status
- physical disability
- age

The *Code* gives the Saskatchewan Human Rights Commission the authority to:

- investigate and settle complaints of discrimination
- to carry complaints before boards of inquiry
- to approve or order affirmative action programs
- to grant exemptions from certain provisions of the *Code*
- to make regulations subject to the approval of the Lieutenant Governor in Council
- to carry out research and educational programs the will advance the principles of equality and eliminate discriminatory practices.

Investigations Division

A person who believes he has been discriminated against contrary to the provisions of *The Saskatchewan Human Rights Code* may complain to the Commission. A third party or the Commission itself may also initiate a complaint.

The staff of the investigations unit is responsible for receiving and investigating complaints. The first step in an investigation is an initial inquiry to determine if the complaint falls within the jurisdiction of the *Code* and if reasonable grounds exist to believe the *Code* was violated.

If it appears the *Code* may have been violated, a complete investigation will be conducted to determine if there is enough evidence to support the complaint. Staff in the investigations unit have the authority to interview people who may have information about a complaint. They can also examine relevant records and documents, including employment records.

If the investigation does not substantiate the allegation, the complaint is dismissed. Where the evidence gathered by the investigations unit does support the claim, an attempt is made to negotiate a settlement between the parties.

If a settlement cannot be negotiated, the matter is referred to the commissioners, who may then direct that a board of inquiry be appointed. Boards of inquiry are independent tribunals appointed by the Minister of Justice, to hear evidence into the complaint. (See complaint procedure chart on page 5).

Categories of Complaints

The Saskatchewan Human Rights Commission had a total of 521 complaint files under investigation in 1987, an increase of 43 percent over the number of files investigated in 1986. In addition, 24 application forms were reviewed to determine their compliance with the *Code*.

Of the 521 files under investigation, 239 were complaints received during 1987, with 282 carried forward from previous years.

Approximately 60 percent of the complaints filed in 1987 were in the area of employment, 12 percent were in the area of public services, 6 percent in housing and 5 percent in education.

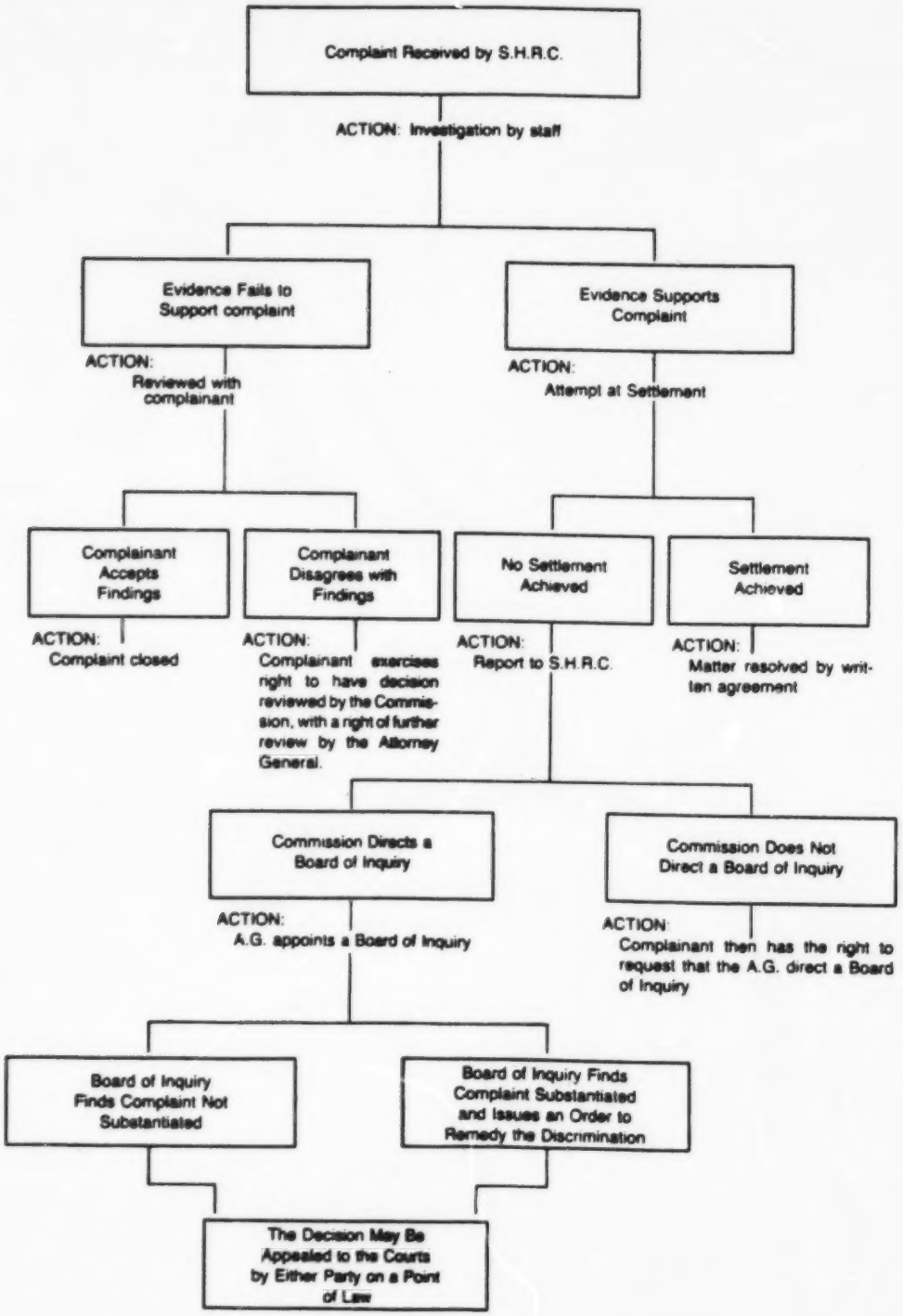
Discrimination on the basis of physical disability accounted for 25 percent of complaints received by the Commisssion in 1987. Discrimination on the basis of sex constituted 31 percent of complaints received in 1987, and of those, 15 percent were complaints of sexual harassment.

Twenty-one percent of complaints received in 1987 were based on ancestry, color and race, with more than half of those related to Indian ancestry.

The bulk of complaints based on sex, sexual harassment and physical disability were in the area of employment. Those who complained of discrimination because of race, color or ancestry faced difficulty most often in the workplace, in the provision of public services, and in housing.

For additional information, see tables of statistics on page 18.

THE COMPLAINT PROCEDURE


Complaint Received by S.H.R.C.
ACTION: Investigation by staff
Evidence Fails to Support complaint
Evidence Supports Complaint
ACTION: Reviewed with complainant
ACTION: Attempt at Settlement
Complainant Accepts Findings
Complainant Disagrees with Findings
No Settlement Achieved
Settlement Achieved
ACTION: Complaint closed
ACTION: Complainant exercises right to have decision reviewed by the Commission, with a right of further review by the Attorney General.
ACTION: Report to S.H.R.C.
ACTION: Matter resolved by written agreement
Commission Directs a Board of Inquiry
Commission Does Not Direct a Board of Inquiry
ACTION: A.G. appoints a Board of Inquiry
ACTION: Complainant then has the right to request that the A.G. direct a Board of Inquiry
Board of Inquiry Finds Complaint Not Substantiated
Board of Inquiry Finds Complaint Substantiated and Issues an Order to Remedy the Discrimination
The Decision May Be Appealed to the Courts by Either Party on a Point of Law

Settlements & Tribunals

Settlements

If the Commission concludes, after an investigation, that evidence supports a complaint of discrimination, an attempt is made to reach a settlement between the two parties.

The terms of the settlement are intended to compensate the complainant for any damages suffered as a result of the alleged discriminatory treatment. All parties and the Commission must agree to the settlement, which is binding.

Settlements could include such terms as an apology, compensation for lost wages or other expenses, and payment for humiliation suffered and loss of self-respect. The respondent might also agree to change his or her discriminatory behaviour in the future.

Following are a few examples of complaints settled by the Commission in 1987.

Example — Physical Disability

A Saskatoon man who was told he couldn't be a firefighter because he was slightly colourblind was later hired by the City after intervention by the Saskatchewan Human Rights Commission.

In a settlement the City of Saskatoon agreed, without admission of liability, to offer Brian Smith the job of firefighter after he brought a complaint to the Commission alleging he had been discriminated against because of a physical disability.

Smith had completed all requirements to be a firefighter and would have been hired if he passed the eye examination. The examination indicated he had some difficulty distinguishing colours, but further tests indicated the deficiency was slight.

The City of Saskatoon initially told Smith they would not hire a person who had any degree of colourblindness, no matter how slight it might be.

The Commission's research indicated that perfect colour vision was not necessary to do a firefighter's job. It was determined that most Canadian firefighting departments do not require their employees to have perfect colour vision. In addition, the Canadian Association of Fire Chiefs decided in 1985 that perfect colour vision was not a necessary requirement for a firefighter.

The City agreed that recent research indicated perfect colour vision was not a necessary requirement for eligibility as a firefighter and that a mild colour vision disability would not be a basis for rejecting future applicants.

Example — Sex Discrimination

The Regina Board of Police Commissioners agreed to pay $3,000 in compensation to Debora Perry who complained that she had been discriminated against on the basis of sex.

The Board of Police Commissioners agreed to settlement without admission of liability.

Debora Perry alleged that when she attempted to apply for the position of Special Constable with the Regina Police Department in 1982, she was told that the Department's policy was to hire men only for that position. At that time, Special Constables performed guard duties, escorted prisoners to and from court, and acted as process servers.

Example — Race

A woman who complained to the Commission that she was not able to rent a particular house because she was of Indian ancestry received a settlement of $200.

The owner of the house, without admission of liability, agreed to pay the complainant $200 for loss of self-respect and, in addition, apologized to the complainant for any discrimination perceived by her.

The complainant said that when she inquired about a rental property in Regina by phone, the owner of the property asked if she was native. The complainant said that question and other comments made by the owner led her to believe she was being discriminated against on the basis of her race.

In addition to payment of $200 and an apology, the owner of the property agreed not to deny housing to anyone because of race, colour, nationality, ancestry or place of origin, nor to ask questions about those characteristics.

Example — Sexual Harassment

A Saskatoon woman who complained to the Commission in 1985 that she was being sexually harassed by her supervisor at work received $2,831 in a settlement negotiated by the Commission in 1986.

The complainant alleged that the manager of the Saskatoon business where she worked would touch her, make sexually suggestive comments, ask her to have sex with him, and relate information to her of an extremely personal nature about his own sex life.

She said she told the manager repeatedly that she did not like his behaviour and that, in addition, she asked the company's head office in eastern Canada to assist her, but the harassment didn't stop. Because the harassment was continuing, the complainant quit her job.

Compensation was agreed to without admission of liability by the respondents. The company also agreed to adopt a policy against sexual harassement and to circulate that policy to all management personnel in Saskatchewan.

Boards of Inquiry

If the parties involved in a complaint can't negotiate a settlement, the Commission will ask the Minister of Justice to appoint a board of inquiry. A board, which is independent of the Commission, will consist of one or more persons. Its function is to hear evidence from the parties and to decide, on the basis of that evidence, whether the *Code* has been violated. If a violation has taken place, the board determines what damages should be awarded. Four boards of inquiry were conducted in 1987.

Bauer, Hrynkiw and Stokalko v. Papouches and Crossroads Family Restaurant

Three complaints of sexual harassment were heard by Saskatoon lawyer Ken Stevenson, a one-man board of inquiry, over several days in November and December of 1987 with a decision to be handed down in 1988.

Kelly Stokalko, Melanie Hrynkiw and Debra Bauer, waitresses at the Crossroads Family Restaurant, alleged that co-owner John Papouches and some of the cooks sexually harassed them.

The three women told the Board that Papouches subjected them to lewd comments, repeated requests for sexual favours, and unwanted touching. They also indicated that some of the cooks, on occasion, harassed them sexually.

Papouches denied ever touching any of the waitresses on the breasts or buttocks, and said he only told sexually oriented jokes to those waitresses who liked to joke with him in that way.

The waitresses testified that the harassment was upsetting, and that they felt degraded and humiliated.

Chambers v. Saskatchewan Social Services

On April 6, 1987, the board of inquiry in the Chambers case ruled that lower welfare rates for single employables were not in violation of *The Saskatchewan Human Rights Code.*

Saskatoon lawyer, Les Prosser, the one-man board, ruled that welfare isn't covered by *The Saskatchewan Human Rights Code* because it is not a service customarily admitted or offered to the public.

Section 12 of the *Code* prohibits discrimination in the provision of services to the public on the basis of race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.

In his complaint, Chambers alleged that the social assistance plan of the provincial government discriminated against him because of his marital status. At the time of his complaint, a single recipient received a basic allowance of $123, plus additional amounts for shelter and utilities. A childless couple received $356 a month ($178 per person) plus additional amounts for shelter and utilities. The difference in the basic allowance for a single person and a married person was $55, or 44.7 percent.

Because Prosser ruled that it is not necessary for welfare provisions to comply with *The Saskatchewan Human Rights Code,* he did not address the issue of whether Saskatchewan's welfare rates are discriminatory.

The Commission appealed the board of decision to the Court of Queen's Bench.

Matyson v. Provost

A landlord who refused to rent to a couple because they were living in a common-law relationship has been ordered by a board of inquiry to pay them $400 in compensation.

The decision, dated November 4, 1987, was

handed down by Saskatoon lawyer Donald Morgan, the one-person board of inquiry.

Arnie Matyson of Saskatoon complained to the Saskatchewan Human Rights Commission that when he and his common-law wife inquired about a house advertised for rent in June of 1986, they were told by owners Claire and Emilia Provost that they would rent only to people who were married.

The Saskatchewan Human Rights Code says it is discrimination to deny accommodation on the basis of marital status.

At the board of inquiry hearing on October 9, 1987, the Provosts admitted they refused to rent to Matyson when they found out he and his partner of 10 years were not married. The Provosts said they believe common-law relationships are immoral and non-Christian.

At the inquiry, the Provosts argued they had the right to follow their own religious beliefs in finding tenants for their house and that they had a constitutional freedom of conscience and religion.

The board of inquiry decision stated that the freedom to exercise one's religious beliefs is subject to such limitations as are necessary to protect fundamental rights and freedoms of others.

"The Provost's right to religious practice and belief is to be protected. However, when they chose to make housing accommodation available to the public, they must be seen to have accepted the statutory obligation of providing that accommodation on a non-discriminatory basis. The respondents must not use their rights and freedoms to abrogate those of the complainant."

Compensation was awarded to Arnie Matyson and Edith Lloyd for hurt feelings and loss of self-respect, and to compensate them for out-of-pocket expenses resulting from the denial of accommodation.

Edadeen Bird v. Norman Ross and Aphetow House Ltd.

A Christopher Lake woman who was fired because she had an abortion was awarded $4,580 by an independent board of inquiry who said that was discrimination.

Ronald Mills of Prince Albert, acting as a one-man board, found that Edadeen Bird was fired from her waitressing job at Aphetow House Restaurant close to Montreal Lake by manager Norman Ross, who disapproved of abortions.

Mills held the firing was contrary to *The Saskatchewan Human Rights Code*, which protects women from discrimination on the basis of pregnancy or pregnancy-related illnesses.

He said that under the provisions of the *Criminal Code* a therapeutic abortion can only be performed if continuation of the pregnancy would likely endanger life or health. "It is obvious, therefore, that Edadeen Bird had a life or health threatening medical situation as a result of her pregnancy. She had a pregnancy-related illness."

Mills ordered Aphetow House and Ross to pay Bird $2,528 in compensation for lost wages, and an additional $2,000 to compensate her for humiliation and loss of self-respect.

The decision is being appealed by Ross and Aphetow House to the Court of Queen's Bench.

Court Decisions

Decisions of a board of inquiry may be appealed to the Court by any party to a complaint. In 1986 there were several court decisions arising out of boards of inquiry established under *The Saskatchewan Human Rights Code.*

The Saskatchewan Human Rights Commission and Roy Day v. *The City of Moose Jaw and the Moose Jaw Firefighters Association* (Court of Appeal).

The Saskatchewan Human Rights Commission and Len Craig v. *The City of Saskatoon and the Saskatoon Professional Firefighters Union* (Court of Appeal).

Saskatchewan's Court of Appeal ruled in June, 1987, that forced early retirement for firefighters is contrary to the province's human rights legislation.

Two firefighters who had been forced to retire before they reached age 65 complained to the Human Rights Commission that they had been discriminated against.

The Saskatchewan Human Rights Code says that discrimination in employment on the basis of age is not allowed between 18 and 64 years.

One employer required firefighters to retire at age 60; the other at age 62.

The issue was one of safety. Could it be determined which firefighters over the age of 59 were still fit to do the job? The Court of Appeal said yes, it was possible, through testing, to determine which firefighters were physically fit, and because it was possible to make that dermination it wasn't fair to say that all older workers must retire, whether they were physically fit or not.

The Court looked closely at the wording of the *Human Rights Code* in coming to its determination.

It looked, in particular, at the word "exclusively" in the definition of "reasonable occupational qualification", which states it may be necessary to hire individuals of a particular age exclusively in order that the duties of a job can be performed safely.

The judgement said: "In any occupational group there is, as has been noted, often much variation in work capacity and fitness between the different individuals in the groups, irrespective of the ages of the individuals.

It goes on to point out that to meet the standard of exclusivity, employers must prove that only people in the age group up to 60 (and no one else) are fit to perform that job safely. This, the judgment notes, would be a virtually impossible task.

The judgment also zeroed in on the word "reasonable" in the phrase "reasonable occupational qualification". It asked how an occupational qualification could be reasonable if there are legitimate alternative means (such as testing) for finding out which people are at risk of employment failure without resorting to age discrimination.

Saskatchewan Human Rights Commission v. *Citation Investments Ltd. et al. (Court of Appeal).*

The Saskatoon Court of Appeal has ruled that it is not necessary for a board of inquiry to order compensation for those who have been discriminated against.

The Saskatchewan Human Rights Commission argued that once a finding of discrimination has been made by a board of inquiry, and it has been shown that damage has been suffered, compensation must be ordered.

In a judgment delivered in May, 1987 the court said that "while one might expect that the board, in circumstances such as those which exist, would award compensation, it can decline to do so."

The case involved complaints against three owners of apartment blocks in Regina — Citation Investments, Cudlow Holdings, and Quadra Investments. They offered lower rents to married tenants that to single tenants, which the board of inquiry found to be discrimination.

The Commission asked that the firms pay compensation in an amount that reflected the difference between what the single tenants actually paid for rent, and what they would have had to pay if they had been married. The board declined to award compensation of any kind.

Gus Kodellas and Tripolis Foods Ltd. v. *The Saskatchewan Human Rights Commission, Barbara Wahn and Elizabeth Glute (Court of Appeal).*

Argument was heard in November 1987 in the appeal from a Queen's Bench decision prohibiting a board of inquiry from taking further proceedings into two sexual harassment complaints.

Complaints from Barbara Wahn and Elizabeth Glute alleged that they had been sexually harassed by their employer Gus Kodellas, and each filed a complaint with the Saskatchewan Human Rights Comission, one in 1982 and the other in 1983.

The Court of Queen's Bench ruled that the lengthy period of time which had elapsed between the filing of the complaints and the establishment of a board of inquiry in 1986 violated the rights of Kodellas guaranteed to him by the *Charter of Rights and Freedoms.*

The Court of Appeal has not yet handed down its decision.

The Saskatchewan Human Rights Commission and Chambers v. *Saskatchewan Social Services.*

Welfare is not a public service — that was the decision of the Chambers board of inquiry, and it has been allowed to stand by the Court of Queen's Bench, on appeal.

In a decision handed down in July by the Court of Queen's Bench, Mr. Justice Ian McLellan said he could not review the board of inquiry decision because it was based on a matter of

fact, not of law, and only matters of law may be dealt with by an appeal tribunal.

"The decision (of the board of inquiry) is therefore not reviewable by me" he said.

The board of inquiry ruled welfare is not a program that must comply with *The Saskatchewan Human Rights Code* because welfare payments cannot be categorized as a public service.

The Saskatchewan Human Rights Commission is appealing the decision of the Court of Queen's Bench to the Saskatchewan Court of Appeal.

The case assesses a complaint brought to the Commission in 1985 by Saskatoon welfare recipient Murray Chambers. Chambers alleged that the social assistance plan of the provincial government discriminated against him because of his marital status.

Under present social assistance regulations, a single recipient receives a basic allowance of $12, plus additional amounts for shelter and utilities. A childless couple receives $356 a month ($178 per person), plus additional amounts for shelter and utilities.

The difference in the basic allowance for a single person and a married person is $55 (44.7 percent).

Section 12 of the *Code* prohibits discrimination in the provision of services to the public on the basis of marital status.

Affirmative Action

Affirmative action is a program designed to fight discrimination in the workplace and in schools.

It is a response to a kind of discrimination that is particularly hard to eliminate, because it has become part of the way society is structured. That kind of discrimination is called systemic discrimination.

In Saskatchewan, affirmative action programs are developed in conjunction with the Saskatchewan Human Rights Commission, and upon completion, are approved by the Commission.

Affirmative action is a commitment to alter the policies, practices and procedures of institutions so that members of the target groups have an equal opportunity to succeed.

In Saskatchewan the target groups (those groups that are underrepresented) are women, people of Indian ancestry, and people with physical disabilities.

Affirmative action is based on the belief that some groups have historically been disadvantaged in the workplace and in educational institutions and the effects of those discriminatory practices are still being felt today. It is anticipated that affirmative action programs will help to redress imbalances that still exist in the workplace and in schools.

The Saskatchewan Human Rights Code provides four ways to implement affirmative action programs:

1. The Commission may approve a voluntary program (Section 47);

2. The Commission may order that a program be put into place (Section 47);

3. A board of inquiry may order a program as a remedy where there is evidence of discrimination (Section 31(7)(a));

4. An affirmative action program may be introduced as settlement of a complaint.

Approval of a program provides the applicant with legal protection for any preferential measures which may be undertaken. With the proclamation of Section 15(2) of *The Canadian Charter of Rights and Freedoms,* on April 17, 1985, additional constitutional protection for affirmative action programs came into place.

Education Equity

In 1987 Education Equity continued to be the major focus of Commission activity in the area of affirmative action.

The purpose of Education Equity is to reduce the dropout rate of Indian and Metis students in Saskatchewan schools. This objective is to be achieved through comprehensive affirmative action programs developed by school boards and approved by the Commission.

They provide for action in several areas, and contain the following elements:

1. A hiring plan to increase the number of Indian and Metis teachers in the school system;

2. A review of school policies and procedures to determine if they have an adverse impact on students of Indian ancestry;

3. Cross-cultural training for teachers;

4. The inclusion of Indian/Metis content in school curriculum and the elimination of inappropriate material;

5. A plan to increase the involvement of Indian/Metis parents in school activities.

Beginning in May, 1987 school boards from around the province began to receive approval for comprehensive education equity programs. By the end of December, 1987 a total of twelve plans had been received by the Commission. Nine programs received formal approval in 1987 with the remainder scheduled for consideration in early January, 1988. A number of other school boards are working on developing similar education equity plans.

The twelve boards that have submitted plans employ 3,100 teachers of whom 2.2 percent are teachers of Indian ancestry. Of the approximately 60,000 students enrolled in the 12 school divisions about 9.9 percent are students of Indian ancestry.

Employment, Training and Housing Programs

At the end of 1987 there are nine employment, seven training and one housing program in force in Saskatchewan. Some of these programs have been in place since 1980.

In 1987 three major new programs received Commission approval. In all three cases the applicants were government organizations. Two of the applicants, the Cities of Saskatoon and Regina, submitted their plans to the Commission in late 1986. Formal approval from the Commission following public hearings, was received in early 1987.

Government of Saskatchewan

The third major program reviewed and approved in 1987 was submitted by the Government of Saskatchewan. This particular application applied to employees in out-of-scope, entry level and non-permanent positions within the civil service. At the time of application the program included 4,531 positions. Not covered by this application were employees represented by the Saskatchewan Government Employees Union and the Canadian Union of Public Employees.

On June 16th, 1987 the Commission gave interim approval to the Government's application. Following public hearings on November 9th, 1987 this interim order was reissued on November 13th.

The application was approved with the condition that a comprehensive affirmative action plan covering all 13,000 government employees (union and non-union) would be submitted by June 30th, 1988. This comprehensive plan was to be developed by joint union/management affirmative action committees.

As of August 31st, 1987, according to documents supporting the Government's application, 4.5 percent of the 13,000 government positions were held by people of Indian ancestry and .96 percent of the positions were occupied by people with physical disabilities.

While women made up 47.3 percent of the government workforce only 20 percent of all managers were women. At the senior management level women were in 12.5 percent of 554 high level positions. In other non-traditional areas women held 7.3 percent of 1,920 jobs.

Under the approved program the Government of Saskatchewan has committed itself to increasing the representation of target groups at all levels of the organization until those groups are represented in numbers reflecting their proportion of the workforce or working age population. The targets for the three groups are: Women 40.5 percent, aboriginal people 9.6 percent, and for people with physical disabilities 7.1 percent.

Monitoring Reports

In addition to approving affirmative action programs, the Saskatchewan Human Rights Commission is responsible for monitoring programs that have already been approved.

On June 29th, 1987 the Commission held public hearings at which time it received annual reports from 13 organizations. Those reports detail both the progress and problems encountered in the implementation of their affirmative action programs.

A number of organizations sponsor education programs for members of particular target groups. All these programs reported success in both the recruitment and the graduation of students. Several organizations also noted that both students and institutions were facing limits and reductions in funding, and expressed concern that this would limit educational opportunities for disadvantaged students.

A number of employers reported on their affirmative action hiring programs. All employers indicated that hiring was at a low level, largely because of the continuing recession. In some instances organizations are still dealing with the impact of previous layoffs.

However, even with decreased hiring activity, affirmative action employers continue to review their employment systems to make sure they don't contain discriminatory policies and practices. In addition, support measures for target groups are being put into place.

Employers reported some difficulty in finding qualified applicants from the target groups. Employers are responding to that problem in three ways. They are reviewing the qualifications that have been specified for a job to determine if they are actually necessary for the performance of that job; they are establishing inventories of qualified applicants from the three groups; and they are building working relationships with organizations representing women, people of Indian ancestry and people with physical disabilities. The Commission believes that other initiatives such as Education Equity (see page 11), will result in an increase in the number of qualified target group members available for employment.

In the coming year the Commission looks forward to progress on all affirmative action programs. It is also anticipating the development of new programs by several other organizations.

AFFIRMATIVE ACTION PROGRAMS IN SASKATCHEWAN

As of December 31st, 1987

Employment	Approval Date
Saskatchewan Human Rights Commission	January 16, 1980
The Co-Operators	August 15, 1985
Saskatchewan Oil Corporation (SaskOil)	August 15, 1985
Saskatchewan Telecommunications	October 29, 1982
City of Regina	February 10, 1987
Saskatchewan Government Insurance Corporation	February 16, 1984
Saskatchewan Computer Utility Corporation (SaskComp)	December 19, 1984
City of Saskatoon	February 10, 1987
Government of Saskatchewan	June 16, 1987

Training and Education	Approval Date
Gabriel Dumont Institute of Native Studies and Applied Research, Saskatchewan Urban Native Teacher Education Program (SUNTEP)	August 5, 1980
Northern Teacher Education Program (NORTEP)	September 21, 1981
Regina Plains Community College, Pre-Trades Training for Women Program	October 29, 1981
Prince Albert Natonum Community College, Pre-Employment Trades Exploration for Women	March 30, 1982
Garbriel Dumont Institute of Native Studies and Applied Research (STEP Program)	September 16, 1983
Regina Plains Community College Pre-Technology Program for Women	November 7, 1983
Wascana Institute of Applied Arts and Sciences	April 4, 1986

Housing	Approval Date
Saskatchewan Housing Corporation	February 5, 1982

Education Equity	Approval Date
Saskatoon Catholic School Division No. 20	May 12, 1987
Indian Head School Division No. 19	June 30, 1987
Meadow Lake School Division No. 66	August 18, 1987
Northern Lakes School Division No. 64	August 18, 1987
Saskatoon Public School Division No. 13	August 18, 1987
Prince Albert Public School Division No. 3	September 8, 1987
Regina Catholic School Division No. 81	October 29, 1987
Wilkie School Division No. 59	December 8, 1987
Biggar School Division No. 50	December 8, 1987

Education, Exemptions, Accessibility Standards

It is the responsibility of the Saskatchewan Human Rights Commission to further equality and the recognition of human rights through research and education programs. Under Section 25 of the *Code* the Commission has a duty to:

a) Forward the principle that every person is free and equal in dignity and rights without regard to his race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

b) Promote an understanding and acceptance of, and compliance with, the *Code*;

c) Develop and conduct educational programs designed to eliminate discriminatory practices related to race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin;

d) Disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect;

e) Further the principle of equality of opportunities for persons, and equality in the exercise of the legal rights of persons regardless of their status;

f) Conduct and encourage research by persons and associations actively engaged in the field of promoting human rights;

g) Forward the principle of cultural diversities as a basic human right and fundamental human value.

The Commission's education unit meets its mandate by providing information about human rights issues, about *The Saskatchewan Human Rights Code,* and about the activities of the Commission. Information is provided to the public through printed material such as newsletters and pamphlets; through speaking engagements and meetings, conferences and workshops; and through contacts with the media.

In 1986 staff at the Regina and Saskatoon offices provided information about human rights through 111 educationals conducted at public meetings, at schools, business and agencies.

Information was also provided to the public through the media; in 1986 Commission staff had 216 personal contacts with the media, many resulting in stories in the province's newspapers, and on radio and television. In addition, several news releases were provided to the media during the course of the year.

Another aspect of the education role of the Commission is providing information about the *Code* and other human rights issues to the hundreds of inquiries received by telephone, mail and from visitors to the offices. In addition, thousands of pamphlets explaining the Code and the role of the Commission are provided to members of the public each year.

In 1986 a 30-minute video was produced that provides information about *The Saskatchewan Human Rights Code;* in 1987 the video was promoted and supplementary materials — a manual for workshop leaders and a teacher's resource guide — were prepared to be used in conjunction with it.

The Commission added another video to its resources in 1987, with the purchase of *Human Rights, Human Wrongs,* produced by Canadian Living magazine. The 30-minute video tells the story of discrimination in Canada, and offers strategies for fighting against it. It is available from the Commission on a loan basis.

Two newsletters were produced in 1986, pamphlets were updated, and a series of articles for weekly newspapers was initiated. Information about International Human Rights Day was also provided to media, to all MLAs, and to public interest groups.

List of Exemptions

Section 48 of *The Saskatchewan Human Rights Code* allows for an exemption from any provision of the Code "where any person or class of persons is entitled to an exemption ... under any provision of this Act" or where the Commission "considers (an exemption) necessary and advisable".

In 1987 the Commission considered 9 exemption applications. Seven of those applications were granted; in one case no exemption was required; and one application was under consideration at the end of 1987.

Exemptions in 1987 were granted from section 12 (public services), section 16 (employment), and section 19 (pre-employment advertisements, job applications and job interviews) of the Saskatchewan Human Rights Code.

APPLICANT/DESCRIPTION OF APPLICATION	DATE REQUESTED	STATUS/APPROVAL DATE (CLASSES COVERED BY EXEMPTION)
BERGMAN'S PRIVATE CARE HOME Allow employer to hire women exclusively to provide personal hygiene care to female patients.	September 4, 1986	Approved March 10, 1987. Exemption from s. 16 of *Code* (sex).
YOUTH SERVICES PROGRAM, UNIVERSITY HOSPITAL Conducting survey of students in school system including identification by race.	December 18, 1986	Exemption not required.
PRAIRIE CHRISTIAN TRAINING CENTRE Allow centre to hire on basis of sex to ensure balance between male and female instructors.	March 4, 1987	Approved April 14, 1987. Exemption from s. 16 & 19 (sex).
NATIVE CO-ORDINATING COUNCIL Hire on basis of race. Agency provides services to aboriginal community.	May 8, 1987	Approved June 10, 1987. Exemption from s. 16 & 19 (race).
COLLEGE OF ARTS AND SCIENCES Students of aboriginal ancestry to be excluded from enrollment quotas placed on the number of first year students.	June 2, 1987	Approved July 6, 1987. Exemption from s. 13 (race).
NORTH BATTLEFORD SCHOOL DIVISION #103 Allow school division to hire male aide to assist physically disabled male students.	August 20, 1987	Approved August 27, 1987. Exemption from s. 16 & 19 (sex).
SWIFT CURRENT BIBLE INSTITUTE Hire job applicants whose religious beliefs conform with those of the Institute.	August 26, 1987	Under consideration at year end.
NATIVE STUDIES, UNIVERSITY OF SASKATCHEWAN Advertise for and hire applicant of aboriginal ancestry to fill faculty position.	October 6, 1987	Approved November 10, 1987. Exemption from s. 16 & 19 (race).
SASKNATIVE ECONOMIC DEVELOPMENT CORPORATION Agency to assist and encourage business activity by aboriginal people. Request for exemption to allow it to restrict services and hiring to Metis and Non-status Indians.	November 24, 1987	Approved December 15, 1987. Exemption from s. 12, 16 & 19 (race).

Accessibility Standards

The Saskatchewan Human Rights Code states that physically disabled persons have the right to equal access and cannot be discriminated against in areas such as employment, housing, public accommodation and education. However, physically disabled individuals are often denied their right to equal opportunity and access because of architectural barriers. In order to eliminate these barriers the Commission adopted Accessibility Standards on August 14, 1980. Revised accessibility standards were adopted in July, 1985. These standards serve as a guide for new and renovated buildings.

The Commission will provide copies of its Accessibility Standards Guidelines and staff assistance in their interpretation.

List of Saskatchewan Human Rights Commission Staff

(as of December, 1987)

Jan Cadman
Dan Conway
Pat Danforth
Laurena Daniels
Faye Davis
Donalda Ford
Kenneth Jamont
Sandy Klippenstein
Genevieve Leslie
Bev MacSorley
Robin McMillan
Deborah Newlyn
William Rafoss
Helen Riggs
Brenda Robertson
Karen Ross
Rene Roy
June Vargo
Theresa Walker
Vera-Marie Wolfe
Milton Woodard

Employees on Leave
(Education, Childcare, Definite and Indefinite)

May Barr
Irma Bird
Pat Cook
Yvonne Peters
Ailsa Watkinson

Table I

Summary of Complaints Received in 1987, by Grounds and Category

Category	Sexual Harass.	Sex	Indian Ancestry	Other Ancestry*	Religion**	Nationality/ Citizenship	Marital Status	Age	Physical Disability	Other	Total	Percent
Public Services	1	3	11	3	1		2		8		29	12
Employment	32	30	12	10	2		2	12	42	1	143	60
Housing	3	1	1	3			1		5		14	6
Occupations				2			1				3	1
Publications		1	1		1				1		4	2
Trade Unions							1				1	4
Prof. and Trade Association			1	1							2	8
Contracts			1								1	4
Education	1	3	1	3					3		11	5
Reprisals										1	1	4
Bill of Rights										6	6	3
Application Forms										24	24	10
Total	37	38	28	22	4		7	12	59	32	239	
Percent	15	16	12	9	2		3	5	25	13		100

* Includes "place of origin, color, race"

** Includes "creed"

Table II

Disposition of Complaints

Disposition	Number	Percent
No Jurisdiction	25	5
No Reasonable Grounds	115	22
Withdrawn	107	21
Settled	26	5
No Probable Cause	56	11
Probable Cause Found	44	8
Application Forms (Approved)	23	4
Total	396	76
Under Investigation	125	24
Grand Total	521	100

Table III

Disposition of Probable Cause Complaints

Disposition	Number	Percent
Settled	15	19
Withdrawn	1	1
Dismissed	4	5
Board of Inquiry Directed	29	36
Dismissed by Commission	0	0
Board of Inquiry Held	4	5
Under Appeal	6	8
Awaiting Disposition	21	26
Total	80	100

Table IV

Education Statistics

Type of Activity	Number
Educational	111
Literature/Audio-Visual Request	504
Code Information request	792
Media Contacts	216
Total	1623

Table V

Affirmative Action Plans Received in 1987

Affirmative Action Plans	Approved	Under Consideration
Educatiion Equity	9	3
Employment	3	0
Training Programs	0	0
Housing	0	0
Total	12	3

Table VI

Requests for Exemptions in 1987

Exemptions	Number
Granted	7
Denied	0
Under Consideration	1
Withdrawn	1
Total	9

List of Human Rights Commission Materials

1. The Saskatchewan Human Rights Code and Regulations

2. Pamphlets and Brochures:
   - Application Forms and Interview Guide: A Guideline for Employers and Job Applicants
   - Doing What's Right: The Saskatchewan Human Rights Code
   - Finding A Home: Landlord and Realtor Responsibilities
   - Rights of the Physically Disabled
   - Rights on the Job: A Guideline for Employers and Job Applicants
   - Saskatchewan Human Rights Commission - Information Kit
   - Sexual Harassment
   - Towards Equality: A Guide to Special Programs in Saskatchewan
   - You've Filed a Complaint: Now What Happens?

3. Saskatchewan Human Rights Commission Newsletters

   - Aboriginal Peoples of Canada and the Constitutional Process: The Task Ahead
   - Affirmative Action News No. 1
   - Affirmative Action News No. 2
   - Affirmative Action and Human Rights in the 1980's
   - Affirmative Action: A New Direction For Schools
   - Affirmative Action: Education Equity
   - After the Decade: Women's Rights in Saskatchewan
   - Arbitrary Arrest and Detention
   - Canada's Constitution and Charter of Rights and Freedoms
   - Compulsory Retirement: Elements of the Debate
   - Discrimination on the Basis of Pregnancy
   - Education Equity Plan Receives Approval
   - Independence for Human Rights Commission: An Idea Whose Time Has Come
   - Indian and Metis Self-Government in Canada
   - Making Saskatchewan Accessible
   - Medical Examinations - Guidelines for Employers
   - Proposed Amendments to Saskatchewan Human Rights Code
   - Saskatchewan Human Rights Commission Releases Interpretive Document on Pensions, Employee Benefits and Insurance
   - Sexual Harassment: New Developments and Interpretations
   - Sexual Harassment: Taking a Stand
   - The 35th Anniversary of the Universal Declaration of Human Rights: A Time to Celebrate
   - The Education System and Human Rights
   - The KKK: An Editorial Statement

4. "On Rights" Saskatchewan Human Rights Commission Schools Newsletter

   - Volume 1, No. 1 - An Introduction to Human Rights
   - Volume 2, No. 2 - The Canadian Constitution and the Charter of Rights and Freedoms: A History of Civil Liberties in Canada
   - Volume 2, No. 1 - The Canadian Charter of Rights and Freedoms: Section 15: Equality Rights

5. Other Materials:

   - A Manual on the Charter of Rights and Freedoms
   - Accessibility Standards
   - Affirmative Action Legal Provisions
   - * Affirmative Action: A Case Book of Legislation and Affirmative Action Programs In Saskatchewan
   - Doing What's Right (Video)
   - Doing What's Right - Workshop Manual
   - Doing What's Right: Teacher's Resource Guide
   - Education Equity: A Report on Indian/Native Education in Saskatchewan
   - Human Rights and Benefits in the 80's: An Interpretation of the Saskatchewan Human Rights Code as it Applies to Pensions, Employee Benefits and Insurance
   - Prejudice in Social Studies Textbooks along with supplement
   - Saskatchewan Human Rights Commission Affirmative Action Decisions
   - Saskatchewan Human Rights Commission Exemption Orders
   - Saskatchewan Human Rights Commission Equal Pay Decisions
   - Saskatchewan Human Rights Commission Annual Reports 1981, 1982, 1983, 1984, 1985 and 1986
   - * Sex Bias in Primary Readers
   - Steps for Developing an Affirmative Action Program
   - * TASC Workshop on Handicapism
   - * TASC Workshop on Racism
   - * TASC Workshop on Sexism

6. Posters

   - Opportunities are Everyone's Right

List of Other Materials Distributed by the Commission

1. Dick and Jane as Victims: Sex Stereotyping in Children's Readers - Women and Words and Images Publication
2. Human Rights, Human Wrongs - Video
3. Human Rights - Public Legal Education Association of Saskatchewan Publication
4. The Canadian Constitution, 1981

The above publications are available in print or on cassette tape, except those marked with an asterisk (which are available in print only). These publications are available free of charge by contacting the nearest Commission office.